

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

KATHY STURGILL, : Case No. 3:12-CV-112

Plaintiff, : District Judge Thomas M. Rose
v. : Magistrate Judge Michael J. Newman

COMMISSIONER OF :
SOCIAL SECURITY,

Defendant. :

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 19)

Before the Court is the Report and Recommendation of Magistrate Judge Michael J. Newman (doc. 19), concerning a request by Plaintiff's counsel for an award of attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Doc. 16. Magistrate Judge Newman recommended that counsel be awarded the \$3,366.09 referenced in the joint stipulation counsel filed with the Commissioner of Social Security. *See* doc. 18. Neither Plaintiff's counsel nor the Commissioner has opposed the Report and Recommendation, and the time for doing so has expired. Having carefully reviewed this matter, and considered the Magistrate Judge's Report and Recommendation *de novo* as required by Fed. R. Civ. P. 72(b), the Court rules as follows:

1. The Magistrate Judge's Report and Recommendation dated August 27, 2013 (doc. 19) is **AFFIRMED**;
2. The parties' joint stipulation referencing EAJA fees in the amount of \$3,366.09 to Plaintiff's counsel (doc. 18) is **GRANTED**, and Plaintiff's counsel is **AWARDED** the sum of \$3,366.09;

3. The motion for EAJA fees filed by Plaintiff's counsel (doc. 16), filed prior to the submission of the joint stipulation, is **DENIED AS MOOT**.

This matter is hereby **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

s/**Thomas M. Rose**

Date: September 17, 2013

Thomas M. Rose
United States District Judge